

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In re:

LTL MANAGEMENT LLC,¹

Debtor.

LTL MANAGEMENT LLC,

Plaintiff,

V.

THOSE PARTIES LISTED ON
APPENDIX A TO COMPLAINT
and JOHN AND JANE
DOES 1-1000,

Defendants.

THE OFFICIAL COMMITTEE OF
TALC CLAIMANTS I,

Appellant,

V.

LTL MANAGEMENT LLC,

Appellee.

COMMITTEE OF TALC CLAIMANTS,

Appellant,

V.

LTL MANAGEMENT LLC.

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

Appellee.	:	
	:	
-----	X	
	:	
THE OFFICIAL COMMITTEE OF	:	
TALC CLAIMANTS II, KRISTIE DOYLE as	:	
Estate Representative of Dan Doyle,	:	
KATHERINE TOLLEFSON, TONYA	:	Civil Action No. 22-cv-01289 (FLW)
WHETSEL, as Estate Representative of Brandon	:	Civil Action No. 22-cv-01296 (FLW)
Whetsel, RANDY DEROUEN, PATRICIA	:	Civil Action No. 22-cv-01303 (FLW)
COOK, and EVAN PLOTKIN,	:	
	:	
Appellants,	:	
	:	
v.	:	
	:	
LTL MANAGEMENT LLC,	:	
	:	
Appellee.	:	
-----	X	
AYLSTOCK, WITKIN, KREIS, &	:	
OVERHOLTZ, PLLC,	:	
	:	Civil Action No. 22-cv-01292 (FLW)
Appellant,	:	Civil Action No. 22-cv-01280 (FLW)
	:	
v.	:	
	:	
LTL MANAGEMENT LLC,	:	
	:	
Appellee.	:	
-----	X	
ARNOLD & ITKIN LLP,	:	
	:	
Appellant,	:	Civil Action No. 22-cv-01387 (FLW)
	:	
v.	:	
	:	
LTL MANAGEMENT LLC,	:	
	:	
Appellee.	:	
-----	X	

**JOINT MOTION FOR A STAY OF
APPELLATE BRIEFING SCHEDULE PENDING RULING
BY THIRD CIRCUIT ON PETITIONS FOR CERTIFICATION OF DIRECT APPEAL**

PLEASE TAKE NOTICE that appellants in the above-captioned appeals, the Official Committee of Talc Claimants (“TCC”),² Aylstock, Witkin, Kreis & Overholtz, PLLC, and Arnold & Itkin LLP (collectively, the “Appellants”), and appellee, the Debtor, LTL Management LLC (“Debtor” or “Appellee”), will jointly move this Court, before the Honorable Freda L. Wolfson, United States District Judge, in Courtroom 5E of the United States Courthouse, 402 East State Street, Trenton, New Jersey 08608, at a date and time to be determined by the Court, for an Order pursuant to Rules 8013(b), 8018(a), and 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) staying the briefing schedules in this Court of the above-captioned bankruptcy appeals pending a ruling the United States Court of Appeals for the Third Circuit on the Appellants’ petitions for authorization of direct appeal to the Court of Appeals (the “Motion”).

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Bankruptcy Procedure 8013(b), the Court may rule on the Motion at any time without awaiting a response. Any party adversely affected by the ruling may move to reconsider, vacate, or modify it within seven (7) days after any order granting the Motion is entered.

In support of the Motion, the parties state as follows:

² On December 23, 2021, the Official Committee of Talc Claimants (“TCC”) was replaced with the Official Committee of Talc Claimants I (“TCC I”) and the Official Committee of Talc Claimants II (“TCC II”). Bankr. Dkt. 965. All filings by TCC were deemed filed by TCC I and TCC II. Bankr. Dkt. 1226. Effective April 13, 2022, TCC was reinstated and TCC I and TCC II dissolved. Bankr. Dkt. 1668 at 15:19-24, 18:19-21. TCC has authority and standing to, at its discretion, pursue any court motions, pleadings, objections, appeals, or related court filings, (other than retention applications) of TCC I and TCC II, as well as any arguments made, exhibits introduced, or evidence elicited by either TCC I or TCC II. Bankr. Dkt. 1970.

“Bankr. Dkt.” refers to the Chapter 11 case below, No. 21-30589-MBK (Bankr. D.N.J.) and “Adv. Dkt.” refers to the Adversary Proceeding below, No. 21-03032-MBK (Bankr. D.N.J.).

This joint Motion seeks to stay the briefing schedule of these appeals in this Court pending a decision by the Court of Appeals as to whether to authorize their direct appeal to the Court of Appeals.

Bankruptcy Rule 9006(b) affords this Court discretion to extend the current briefing schedule on the appeals “for cause.” Fed. R. Bankr. P. 9006(b); *see also* Fed. R. Bankr. P. 8013(b) (district court may rule on procedural motions, including those pursuant to Bankruptcy Rule 9006(b), “at any time without awaiting a response”). In addition, “[a] United States district court has broad power to stay proceedings” and “[t]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Mastec Renewables Constr. Co., Inc. v. Mercer County Improvement Auth.*, 2017 WL 6493141, at *3 (D.N.J. Dec. 19, 2017) (Wolfson, C.J.) (citations omitted).

These appeals are taken from the opinions and orders of the United States Bankruptcy Court for the District of New Jersey (Kaplan, C.B.J.) (i) denying TCC I’s and other parties’ motions to dismiss the bankruptcy case, and (ii) granting the motion, and resolving the above-referenced adversary proceeding in favor, of the Debtor, declaring that the automatic stay applies to, and preliminarily enjoining, certain actions against non-debtors (the “Opinions and Orders”). Bankr. Dkt. 1603 (MTD Order), Bankr. Dkt. 1572 (MTD Opinion), Bankr. Dkt. 1635 & Adv. Dkt. 187 (PI/Stay Order), Bankr. Dkt. 1573 & Adv. Dkt. 184 (PI/Stay Opinion).

The Appellants timely filed notices of appeals from the Opinions and Orders in March 2022. Bankr. Dkts. 1651, 1652, 1653, 1696, 1710; Adv. Dkts. 189, 190, 201, 202. On April 4, 2022, in response to the requests by the Appellants, the Bankruptcy Court certified the Opinions and Orders for direct appeal to the Court of Appeals. Bankr. Dkt. 1955, Adv. Dkt. 231. On April

5, 2022, TCC I filed a petition with the Third Circuit, pursuant to 28 U.S.C. §158(d)(2)(B), Bankruptcy Rule 8006(g), and Federal Rule of Appellate Procedure 5, seeking authorization of direct appeal with respect to the Opinions and Orders. The other Appellants filed similar petitions with the Court of Appeals as to the Opinions and Orders. Case No. 22-8015, Dkt. No. 1; Case No. 22-8016, Dkt. No. 1; Case No. 22-8020, Dkt. No. 1; Case No. 22-8021, Dkt. No.1 (together with TCC I's petition, the "Petitions"). The Petitions remain pending. If the Petitions are granted, then these appeals will proceed directly to the Court of Appeals and there will be no briefing on the appeals in this Court (and any briefing that has taken place will be rendered moot). Accordingly, the Appellants and the Appellee seek to stay any briefing schedule on the appeals pending the Court of Appeals' ruling on the Petitions.

WHEREFORE, the Appellants and the Appellee respectfully request that the Court enter an order, substantially in the form annexed hereto staying the existing briefing schedule in these appeals pending the Court of Appeals' ruling on the Petitions.

Respectfully submitted,

GENOVA BURNS LLC

Dated: April 15, 2022

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